

LANCASTER, NEW YORK
DECEMBER 29, 1986

ALSO PRESENT: ELEANOR D. KUCHARSKI, DEPUTY TOWN CLERK
RICHARD J. SHERWOOD ,TOWN ATTORNEY
ROBERT L. LANEY, BUILDING INSPECTOR

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
GIZA , TO WIT:

RESOLVED, that the minutes from the Regular Meeting of the Town Board, held on December 15, 1986, as presented by the Town Clerk, be and hereby are approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA WAS ABSENT

The resolution was thereupon unanimously adopted.

December 29, 1986

File: R-MIN

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN MILLER , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
GIZA , TO WIT:

WHEREAS, the Town of Lancaster, by resolution dated July 6, 1982,
and by joint municipal agreement, joined in the creation and became a voting
member of the Northeastern Communities Solid Waste Management Board, and

WHEREAS, by resolution dated February 25, 1985, the Town Board
agreed to the expansion of membership of said Board to include additional
communities, and

WHEREAS, said Northeastern Communities Solid Waste Management
Board, at its meeting of February 5th, agreed that each participating
community would contribute the sum of Five Hundred Dollars (\$500.00) a year
in order to defray expenses of the Board, and

WHEREAS, said contribution by the Town of Lancaster would be in
the public interest,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby
authorizes and directs the Supervisor to make payment of the sum of Five
Hundred Dollars (\$500.00) to the Northeastern Communities Solid Waste
Management Board each year, said sum representing the contribution of the
Town of Lancaster in order to defray expenses, and that the Supervisor
forward said check to J. William Lexo, 1910 Bowen Road, Elma, New York 14059.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES

COUNCILMAN GIZA VOTED YES

COUNCILMAN KWAK VOTED YES

COUNCILMAN MILLER VOTED YES

SUPERVISOR KEYSA WAS ABSENT

The resolution was thereupon unanimously adopted.

December 29, 1986

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN CZAPLA , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
KWAK , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has taken under review the distribution of state revenue sharing funds, and

WHEREAS, through this review the Town Board has become aware that there is a gross disparity in the distribution of the aforementioned funds as between cities and towns/villages, and

WHEREAS, the Town Board of the Town of Lancaster believes that in fairness to all municipalities, there is the need for a more equitable distribution of these revenue sharing funds rather than the present distribution formula which provides the towns/villages with significantly less dollars per capita than cities receive;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby memorializes State Assemblyman Vincent Graber, State Senator Dale Volker and Governor Mario Cuomo, that the Town of Lancaster believes that the present formula for the distribution of state revenue sharing funds is not equitable and that the gross disparity in distribution of said revenue sharing funds as between cities and towns/villages should be corrected by the adoption of a more equitable distribution formula, and

BE IT FURTHER

RESOLVED, that the Town Clerk is hereby authorized and directed to send a copy of this resolution to the Association of Towns which the request that the Association place this matter on its agenda for consideration by the body at its annual meeting in February, 1987.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES	COUNCILMAN KWAK VOTED YES
COUNCILMAN GIZA VOTED YES	COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA WAS ABSENT	

The resolution was thereupon unanimously adopted.

December 29, 1986

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN MILLER , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
KWAK , TO WIT:

WHEREAS, the Town of Lancaster is a member of the Northeast
Communities Solid Waste Management Board (Northeast Board), and

WHEREAS, the members of the aforesaid Board desire to obtain
contract proposals for solid waste disposal services, and

WHEREAS, the Town of Cheektowaga has been authorized to obtain
such proposals, and

WHEREAS, the members of the Northeast Board desire to enter into an
agreement which will provide that each member will be able to participate in
any contract for the disposal of solid waste which is obtained by the Town of
Cheektowaga through the authority vested in municipalities under Article 5 (G)
of the General Municipal Law of the State of New York, and

WHEREAS, the Town Attorney has reviewed and approved an agreement
between the members of the Northeast Board;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby
authorizes the Supervisor of the Town of Lancaster to execute an agreement
providing for the participation in a contract negotiation by the Town of
Cheektowaga for solid waste disposal services.

The question of the adoption of the foregoing resolution was
duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA WAS ABSENT

The resolution was thereupon unanimously adopted.

December 29, 1986

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN MILLER , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
KWAK , TO WIT:

WHEREAS, the Town of Lancaster is a member of the Northeast
Communities Solid Waste Management Board (Northeast Board), and

WHEREAS, state "aid to localities" will be used for a feasibility
study and preliminary engineering costs, and

WHEREAS, there is a need to amend the contract originally entered
into between the several municipal corporations, including the Town of
Lancaster, with the Town of Cheektowaga to authorize the Town of Cheektowaga
to carry forth any necessary amendments in the contract with the consultant,
and further to authorize the Chariman of the Northeast Board to submit
material for release of the state funds and to receive such funds on behalf
of the Board, and

WHEREAS, the Town Attorney has reviewed and approved the Agreement;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster authorizes
the Supervisor of the Town of Lancaster to execute the necessary amendment
to the original agreement entered into between the parties.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA WAS ABSENT

The resolution was thereupon unanimously adopted.

December 29, 1986

THE FOLLOWING RESOLUTION WAS OFFERED
 BY COUNCILMAN MILLER , WHO MOVED
 ITS ADOPTION, SECONDED BY COUNCILMAN
 KWAK , TO WIT:

RESOLVED, that the following budget amendments be and hereby are
 authorized to the 1986 Townwide General Fund Budget and Part Town Fund
 Budget:

	<u>ACCT. NO.</u>	<u>INCREASE</u>
<u>GENERAL FUND:</u>		
Estimated Revenue	A 510	\$ 6,000.00
Appropriated Fund Balance	A 599	4,560.00
Budget Appropriations	A 960	10,560.00
Historian - Contract. Exp.	A7510.4	1,615.00
Bldgs - Contract. Exp.	A1620.4	6,000.00
Auditor - Contract. Exp.	A1320.4	2,945.00
Insurance Recoveries	A2680	6,000.00
<u>Part Town Fund:</u>		
Apropriated Fund Balance	B 599	500.00
Budget Appropriations	B 960	500.00
Solid Waste Mgt. - Dues & Subscriptions	B8165.408	500.00

The question of the adoption of the foregoing resolution was duly
 put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
 COUNCILMAN GIZA VOTED YES
 COUNCILMAN KWAK VOTED YES
 COUNCILMAN MILLER VOTED YES
 SUPERVISOR KEYSA WAS ABSENT

The resolution was thereupon unanimously adopted.

December 29, 1986

File: R-ACCT-TRNS

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
MILLER , TO WIT:

RESOLVED, that the following Audited Claims be and are hereby
ordered paid from their respective accounts:

Claim No. 4817 to Claim No. 5000 Inclusive.

Total amount hereby authorized to be paid:

\$216,953.96

and,

BE IT FURTHER

RESOLVED, that Interdepartmental reimbursement for gasoline be
made from Account Nos. 7310.431, "Youth Bureau Gasoline and Oil" - \$153.15
and 7311.431, "Youth Sevices Gasoline and Oil" - \$100.00 to Account
No. 3120.431, "Police Department Gasoline and Oil - total of \$253.15.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES

COUNCILMAN GIZA VOTED YES

COUNCILMAN KWAK VOTED YES

COUNCILMAN MILLER VOTED YES

SUPERVISOR KEYSA WAS ABSENT

The resolution was thereupon unanimously adopted.

December 29, 1986

File: R-CLAIMS

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
MILLER , TO WIT:

RESOLVED, that the following Building Permit Applications be and
are hereby approved and the issuance of Building Permits be and are hereby
authorized:

<u>NO.</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>STRUCTURE</u>
352	Nick Ciccarelli	5375 Genesee St.	REMOVE TANKS
353	Mike Maher	68 Pleasant View Dr.	ER. WOODBR. FIREPLACE
354	Frey Plumbing	5274 William St.	ER. SIN. DWLG, GARAGE
355	Irish Welding Supply	6729 Transit Rd.	INST. TEMP. TANK
356	WFB Const.	162 Brunck Rd.	ER. SIN. DWLG, GARAGE
357	David Kaminski	45 Westwood Rd.	ER. SIN. DWLG, GARAGE

BE IT FURTHER

RESOLVED, that Building Permit Application Nos. 354, 356 and 357 be
and are hereby approved with a waiver of the Town Ordinance requirement for
sidewalks.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES

COUNCILMAN GIZA VOTED YES

COUNCILMAN KWAK VOTED YES

COUNCILMAN MILLER VOTED YES

SUPERVISOR KEYSA WAS ABSENT

The resolution was thereupon unanimously adopted.

December 29, 1986

File: R-BLDG

Councilman Kwak requested a suspension of the necessary rule for immediate consideration -

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
CZAPLA, TO WIT:

WHEREAS, it is necessary to make various transfers within the 1986 budget accounts of the Town of Lancaster at the close of Town business on December 31, 1986,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to make such transfers to all over-expended accounts from available funds in the 1986 Budget upon the close of Town business on December 31, 1986.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES

COUNCILMAN GIZA VOTED YES

COUNCILMAN KWAK VOTED YES

COUNCILMAN MILLER VOTED YES

SUPERVISOR KEYSA WAS ABSENT

The resolution was thereupon unanimously adopted.

December 29, 1986

Councilman Kwak requested a suspension of the necessary rule for Immediate consideration of the following resolution -
SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
MILLER , TO WIT:

WHEREAS, Peter and Judy Derkovitz have applied for a Dumping Permit for property situate at 6291 Broadway, within the Town of Lancaster, pursuant to Chapter 22 of the Code of the Town of Lancaster, and

WHEREAS, the matter was referred by the Town Board to the Planning Board for review and recommendation, and

WHEREAS, the Planning Board has completed their review and made a formal recommendation to the Town Board,

NOW, THEREFORE, BE IT

RESOLVED, that a Dumping Permit be Issued by the Deputy Town Clerk of the Town of Lancaster to the applicants, Peter and Judy Derkovitz, Jr., with the following condition being made a part of the Dumping Permit, and the permit being issued on such condition and upon the applicants signing an affirmation that they understand the condition as set forth in this resolution and in the permit, and that they will adhere to such condition as follows:

1. That the permit is to approved within the perimeters set by the Building Inspector.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES

COUNCILMAN GIZA VOTED YES

COUNCILMAN KWAK VOTED YES

COUNCILMAN MILLER VOTED YES

SUPERVISOR KEYSA VOTED WAS ABSENT

The resolution was thereupon unanimously adopted.

December 29, 1985

STATUS REPORT ON UNFINISHED BUSINESS:

1. Dumping Permit - Peter and Judy Derkovitz
On December 23, 1986, the Planning Board recommended approval of this permit. On December 29, 1986, the Town Board authorized issuance of this permit. The Deputy Town Clerk was directed to remove this item from future Town Board agendas.
2. Dumping Permit - Eric Hengerer
On October 6, 1986, this application was referred to the Planning Board, Planning Consultant, Building Inspector and Town Engineer for review and report to the Town Board.
3. Dumping Permit - Keith A. Wilkinson
On September 11, 1986, this application was referred to the Planning Board, Planning Consultant, Building Inspector and Town Engineer for review and report to the Town Board.
4. Public Improvement Permit Authorization - Country View East Subdivision, Phase I (Marrano/Marc Equity).
The retention pond has not yet been accepted but completion is secured by a Letter of Credit expiring on November 1, 1987.
5. Public Improvement Permit Authorization - Country View East Subdivision, Phase II (Marrano/Marc Equity).
This item remains under unfinished business until a retention basin is constructed on the Lancaster Sr. High School property.
6. Public Improvement Permit Authorization - Country View East Subdivision, Phase III (Marrano/Marc Equity).
This item remains under unfinished business until a retention basin is constructed on the Lancaster Sr. High School property.
7. Public Improvement Permit Authorization - Heritage Hills Subdivision
The Town Board is awaiting maintenance security for P.I.P. No. 65 (retention pond) prior to acceptance.
8. Public Improvement Permit Authorization - Lancaster Industrial Commerce Center
The Town Board authorized issuance of P.I.P. No. 79 (water main) and No. 80, (retention basin) on June 6, 1983.
9. Rezone Petition - Richard L. Church
On July 21, 1986, this petition was referred to the Planning Board for review and recommendation. On September 15, 1986, the Town Board set a public hearing on this matter for October 6, 1986. On October 6, 1986, the Town Board held a public hearing on this matter and reserved decision.
10. Rezone Petition - Josela Enterprises, Inc.
On June 2, 1986, this petition was referred to the Planning Board for review and recommendation.
11. Rezone Petition - Dennis Richards
On July 7, 1986, this petition was referred to the Planning Board for review and recommendation. On September 15, 1986, the Town Board set a public hearing on this matter for October 6, 1986. On October 6, 1986, the Town Board held a public hearing on this matter and reserved decision.

STATUS REPORT ON UNFINISHED BUSINESS CONT'D:

12. Rezone Petition - George Stephen
On August 11, 1986, this petition was referred to the Planning Board for review and recommendation. On September 15, 1986, the Town Board set a public hearing on this matter for October 6, 1986. On October 6, 1986, the Town Board held a public hearing on this matter and reserved decision.
13. Subdivision Approval - Meadowland (Bosse)
On November 6, 1986, this matter was referred to the Planning Board Chairman, Chief Fowler, Highway Superintendent, Town Engineer, and Town Planning Consultant for review and report.
14. Subdivision Approval - "The Meadows" Subdivision (Giallanza)
On July 7, 1986, this matter was referred to the Planning Board Chairman, Chief Fowler, Highway Superintendent, Town Engineer, and Town Planning Consultant for review and report. On September 3, 1986, the Planning Board recommended to the Town Board approval of this proposed subdivision. On September 26, 1986, the Planning Board rescinded their recommendation for approval of the preliminary plot previously adopted on September 3, 1986.
15. Traffic Study - Intersection, Genesee Street and Ransom Road
On December 1, 1986, the Town Board petitioned the NYSDOT for a lower speed limit in this area.
16. Traffic Study - Speed Reduction, Pavement Road, Broadway North to Walden Avenue
On August 19, 1985, this matter was referred to the Police Chief for investigation and recommendation.
17. Traffic Study - Speed Reduction, Ransom Road, Broadway North to Genesee Street
On August 19, 1985, this matter was referred to the Police Chief for investigation and recommendation.
18. Zoning Ordinance and Map Update
On June 15, 1983, Consultant Richard Brox conveyed a draft to the Town Board and Planning Board. Numerous joint sessions have been held to resolve areas of concern. SEQR review, on the ordinance only, was held on July 18, 1984. The proposed map has not been subjected to SEQR review.

COMMUNICATIONS:

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DISPOSITION

1032. Town Attorney to Town Board - Comments re: zip code identification.	R & F
1033. Amherst Town Clerk to Town Clerk - Amendment to Zoning Ordinance.	R & F
1034. Clarence Councilman Gregorio to Town Clerk - Resolution requesting County to change Wehrle Dr. speed limit to 40 mph.	PUBLIC SAFETY COMMITTEE
1035. Pleasant View Resident to Town Board - Favorable opinion toward Firearms Ordinance.	PUBLIC SAFETY COMMITTEE
1036. Lovell Safety Mgt. Co. to Supervisor - Notice of special State Insurance Fund dividend.	R & F
1037. Town Engineer to County Div. of Highways - Review of inspection reports for waterline construction along Town Line Rd.	SUPERVISOR
1038. Supervisor to County Div. of Highways - Request assistance in determining certain bridge weight limits.	SUPERVISOR
1039. Depew-Lancaster Boys' & Girls' Club, Inc. to Town Board - Invitation to appear on 7th Annual Telethon on 3/29/87 at 5440 Broadway.	R & F
1040. Town Attorney to Supervisor - Advisement re: Glendale/Parkdale topsoil.	R & F
1041. Assessor to Supervisor - Status of reply to Gerald Kelly .	R & F
1042. Planning Board to Town Board - Minutes from meeting held 12/17/86.	R & F
1043. Planning Board to Town Board - Recommendation of approval of Peter/Judy Derkovitz's Dumping Permit Application.	SUSPENDED RESOLUTION
1044. Cheektowaga Town Clerk to Town Clerk - Resolution urging County Legislature to stop using State equalization rates for purpose of levying 1987 County taxes.	SUPERVISOR
1045. N.Y.S. Dept. of Environmental Conservation to Supervisor - Determination of deletion of SPDES Permit.	R & F
1046. Hinman, Straub, Pigors & Manning, P.C. to NYSALT Members - Request adoption of resolution re: municipal liability.	RESOLUTION 1/5/87
1047. Henry R. Schenk to Town Board - Submittal of name for consideration for appointment to Planning Board.	R & F
1048. Buildings Dept. Foreman to Town Board - Request transfer of funds.	R & F
1049. County CD Program Dir. to Supervisor - Transmittal of County Grantee Performance Report for 1985-1986.	R & F
1050. Supervisor to County CD Program Dir. - Request to transfer funds - Penora St. Neighborhood Improvement Project.	SUPERVISOR
1051. County Div. of Highways to Supervisor - Notice that Town Line Bridge will be reposted for a maximum load limit of six tons.	R & F

ADJOURNMENT:

ON MOTION OF COUNCILMAN CZAPLA, AND SECONDED BY THE ENTIRE TOWN
BOARD AND CARRIED, the meeting was adjourned at 5:02 P.M. out of respect to:

ROSE DERKOVITZ

DANIEL WEIBEL

NANCY WEIBEL

Signed Eleanor D. Kucharski
Eleanor D. Kucharski,
Deputy Town Clerk